

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARTEZ ELI,

Petitioner,

v.

WARDEN, NORTH CENTRAL  
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 2:18-CV-1742

Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura

**ORDER**

On April 18, 2019, the Magistrate Judge issued a *Report and Recommendation* (“R&R”) recommending that the petition for a writ of habeas corpus be dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“the Habeas Rules”). (ECF No. 7.) Although the parties were advised of the right to file objections to the R&R, and of the consequences of failing to do so, no objections have been filed. Therefore, the R&R (ECF No. 7) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Pursuant to 28 U.S.C. § 2253(c)(1)(A) and Rule 11 of the Habeas Rules, the Court must determine whether to issue a certificate of appealability. Because Petitioner has waived the right to file an appeal by failing to file objections to the R&R, *see Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F. 2d 947, 950 (6th Cir. 1981), the Court **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

Date: May 23, 2019

s/ Algenon L. Marbley

ALEGENON L. MARBLEY

UNITED STATES DISTRICT COURT